

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

WILLIAM J. BREWER, Jr.,

Plaintiff,

vs.

Civil Action 2:14-cv-534
Judge Graham
Magistrate Judge King

MICHELLE MILLER, et al.,

Defendants.

ORDER

Plaintiff William J. Brewer, Jr., an Ohio inmate proceeding without the assistance of counsel, filed this civil rights action on June 5, 2014, alleging denial of access to the courts. In a letter to the Court filed on December 1, 2014, plaintiff indicated that he had a release date of February 14, 2015. ECF 11. Plaintiff has not made any filings since December 1, 2014, and on March 2, 2015, an order mailed to plaintiff at the Belmont Correctional Institution was returned with the notation "Released 2/14/2015." ECF 15. Plaintiff has not provided the Court with his current address. Defendants filed a motion to dismiss the action for failure to prosecute. *Defendants' Motion to Dismiss for Failure to Prosecute* ("Defendants' Motion"), ECF 16. Plaintiff has not responded to *Defendants' Motion*. On June 4, 2015, the United States Magistrate Judge recommended that *Defendants' Motion* be granted. *Report and Recommendation*, ECF 17. There has been no objection to that recommendation. Indeed, the copy of the *Report*

and Recommendation mailed to plaintiff at the address provided by him was returned to the Court, undelivered, with the notation, "PAROLED." *Mail Returned*, ECF 18. It therefore appears that plaintiff has abandoned the prosecution of this action. See Fed. R. Civ. P. 41(b).

The *Report and Recommendation*, ECF 17, is **ADOPTED AND AFFIRMED**. *Defendants' Motion to Dismiss for Failure to Prosecute*, ECF 16, is **GRANTED**. This action is **DISMISSED** without prejudice pursuant to Fed. R. Civ. P. 41(b).

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT**.

Date: June 24, 2015

s/James L. Graham
James L. Graham
United States District Judge